SYKT. PERUMAHAN PEGAWAI KERAJAAN SDN. BHD.

v.

LEE KAM CHUN & ANOR.

SUPREME COURT, KUALA LUMPUR
HASHIM YEOP ABDULLAH SANI SCJ
HARUN M. HASHIM J
GUNN CHIT TUAN J
[CIVIL APPEAL NO. 24 OF 1988]
17 OCTOBER 1988

CIVIL PROCEDURE: *Garnishment - Retention money - Question of existing debt due to judgment debtor - Order of garnishee to show cause served before entitled to garnish retention money.*

This was an appeal from the decision of Y.A. Dato Peh Swee Chin J in [1988] 1 CLJ (Rep) 711, *Lee Kam Chun v. Syarikat Kukuh Maju Sdn. Bhd. and Syarikat Perumahan Kerajaan Sdn. Bhd.* The Supreme Court dismissed the appeal of the appellant/garnishee against the order of the High Court, Ipoh which confirmed the garnishee order absolute made by the learned Senior Asst. Registrar. As there was no written judgment, we reproduce below the order of the Supreme Court.

Case referred to:
Lee Kam Chun v. Syarikat Kukuh Maju Sdn. Bhd. and Syarikat Perumahan Kerajaan Sdn. Bhd. [1988] 1 CLJ (Rep) 711

For the appellant - Mah Weng Kwai; Tang Kean Onn with him
For the respondent - S. Theivanthiran; Tony Wong Kiew Kee with him

JUDGMENT

Hashim Yeop Abdullah Sani SCJ, Harun M. Hashim & Gunn Chit J:

This appeal coming on for hearing this day in the presence of Mr. Mah Weng Kwai (Mr. Tang Kean Onn with him) of Counsel for the appellant and Mr. S. Theivanthiran (Mr. Tony Wong Siew Kee with him) of Counsel for the 1st respondent and upon reading the record of appeal and the supplementary record of appeal filed herein and upon hearing Counsel as aforesaid it is ordered that this appeal be and is hereby dismissed with costs and it is also ordered that the sum of RM500 (Ringgit Five Hundred Only) lodged in Court by the appellant as security for the costs of this appeal be paid to the 1st respondent to account for taxed costs.

Given under my hand and the Seal of the Court this 17 October 1988.

Senior Assistant Registrar
Supreme Court Malaysia
Kuala Lumpur

Also found at [1989] 2 CLJ 583